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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/010,306

11/08/2001

Hideo Kondo

10417-105001

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7590

02/18/2004

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EXAMINER

RAY, GOPAL C

ART UNIT

PAPER NUMBER

2111

DATE MAILED: 02/18/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Applicati n N .

10/010,306

plicant(s)

KONDO, VIDEO

Examiner

Gopal C. Ray

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,3,4,7,10,11,13 and 14 is/are rejected.
7) ☒ Claim(s) 2,5,6,8,9,12,15 and 16 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Claims 1-16 are presented for examination.
2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The examiner believes that the title of the invention is broad. A descriptive title indicative of the invention will help in proper indexing, classifying, searching, etc. See MPEP 606.01. However, the title of the invention should be limited to 500 characters.
4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it exceeds single paragraph limit. Applicant should combine the two paragraphs to one.

5. The drawings filed on 11/8/01 are approved by the USPTO draftsman. Direct any inquiries concerning drawing review by the USPTO draftsman to the Drawing Review Branch at (703) 305-8404.

6. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. Furthermore, all claims should be revised carefully to eliminate all grammatical errors and antecedent basis problems.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1, 3, 4, 7, 10, 11 and 13 are rejected under 35 U.S.C. 102(a) as being anticipated by US Patent 6,012,103 issued to Sartore et al.

As per claim 1, the reference of Sartore et al. teaches “a USB interface circuit for interfacing data transmission and receipt between a host and the microcomputer” in Fig. 2; “a nonvolatile memory for program storage which can electrically carry out rewrite and read.” In Fig. 2, elements 64-65; “a data memory for temporarily storing program data transmitted from the host which are parallel by the USB interface circuit” in Fig. 2, element 74; “a CPU for executing a program instruction read from the nonvolatile memory” in Fig. 2, element 62; “the nonvolatile memory for program storage has a first program area storing a write control program and a second program area to which the program data are to be written, and the program data stored temporarily in the data memory are written to the second program area in accordance with the write control program stored in the first program area” in Fig. 2, elements 64-65.

As per claim 3, the reference of Sartore et al. teaches "wherein the data memory is a RAM" in col. 5, lines 9-10.

As per claim 4, the reference of Sartore et al. teaches "wherein the RAM is accessible from the USB interface circuit and the CPU" in col. 5, lines 7-10.

As per claim 7, the claim is rejected for similar reasons a discussed in the rejection of claim 1.

As per claims 10-11, the claims are rejected for similar reasons a discussed in the rejection of claim 1 above with the exception of "storing identification information to specify a vendor of the microcomputer". However, the reference of Sartore et al. teaches the feature in col. 3, lines 1-13.

As per claim 13, the claim recites a method which parallels apparatus claim 1 above with the exception of "execution of the write control program in response to reset of the microcomputer". However, the reference of Sartore et al. teaches the feature in col. 3, lines 18-24. Therefore, in teaching the construction and use of the device, US Patent 6,012,103 issued to Sartore et al. teaches a corresponding method.

9. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over by US Patent 6,012,103 issued to Sartore et al. in view of US Patent 6,000,042 issued to Henrie.

As per claim 14, the claim is rejected for the same reasons as discussed in the rejection of claim 13 above with the exception of "power-on reset". However, the above feature was well known to one of ordinary skill in the art at the time the invention was made as evidenced by Henrie. The reference of Henrie teaches the feature in Fig. 5, element 17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a "power-on reset" feature in the system of Sartore et al. because it is a common practice in most computer system such as applicant's to initialize the CPU to a known state by a "power-on reset".

11. Claims 2, 5, 6, 8, 9, 12, 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The above claims are allowable over the prior art on record because they recite additional features in combination with the features in the respective parent claims, e.g., "a program counter for controlling an address of the nonvolatile memory for program storage, a value of the program counter being caused to jump to a starting address of the first program area in response to a reset of the microcomputer" (claim 2), etc. which prior art on record does not teach or fairly suggest. If applicant is aware of any better prior art than those are cited, he is required to bring the prior art to the attention of the examiner.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure. Furthermore, applicant is reminded of the duty to disclose as set forth in 37 CFR § 1.56.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gopal C. Ray whose telephone number is (703) 305-9647. The examiner can normally be reached on Monday - Friday from 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (703) 305-4815. The new fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [mark.rinehart@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2100 receptionist whose telephone number is (703) 305-3900.

Gopal C. Ray
GOPAL C. RAY
PRIMARY EXAMINER
GROUP 2100